

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 17-cr-20392-JTF-dkv

vs.

JAMIE RAMUNDO MARTINEZ, a/k/a
ANGEL MARTINEZ

Defendant.

REPORT AND RECOMMENDATION ON MOTION TO DISMISS

On December 12, 2017, the defendant, Jamie Ramundo Martinez ("Martinez"), was indicted by a federal grand jury for using a false identification card for the purpose of securing employment in violation of 18 U.S.C. § 1546(b)(2). (Compl., ECF No. 1.) Following a bond hearing on January 26, 2018, the court set a bond on the criminal charges but the United States informed the court that Immigration Customs Enforcement ("ICE") had placed an immigration hold or detainer on him. (ECF Nos. 18-20; Mot. Dismiss 1-2, ECF No. 22.) Upon posting bond with the Clerk's Office, pursuant to the ICE detainer, Martinez was detained and transported to an ICE Processing Facility in Louisiana. (Mot. Dismiss 2, ECF No. 22.)

Now before the court is the motion of Martinez to dismiss the indictment with prejudice for violating his rights under the

Bail Reform Act and his constitutional rights under the Fifth, Sixth, and Eighth Amendments of the United States Constitution by his continued detention. (*Id.* at 2-9.) Martinez seeks either dismissal of the criminal proceedings against him or his release from ICE administrative custody. (*Id.* at 9.) This motion was referred to the United States Magistrate Judge for a Report & Recommendation. (ECF No. 25.)

The government responded in opposition on February 27, 2018. (ECF No. 26.) According to the government's response, Martinez was released without bond from ICE custody on February 15, 2018. (*Id.*) Accordingly, the motion to dismiss is moot.

It is therefore recommended that the motion to dismiss be denied as moot.

Respectfully submitted this 12th day of March, 2018.

s/Diane K. Vescovo

DIANE K. VESCOVO

CHIEF UNITED STATES MAGISTRATE JUDGE

NOTICE

Within fourteen (14) days after being served with a copy of this report and recommended disposition, a party may serve and file written objections to the proposed findings and recommendations. A party may respond to another party's objections within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Failure to file objections within fourteen (14) days may constitute a waiver of objections, exceptions, and further appeal.